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NOTE AND COMMENT

ERRATUM—On page 488, seventh line, strike out words "it is" between "in" and "no."

BIBLE READING IN THE PUBLIC SCHOOLS.—Attention was called in a recent number (1 MICHIGAN LAW REVIEW, 317) to the decision in *State v. Scheve* (1902), — Neb. —, 91 N. W. Rep. 846, involving the question of religious exercises in the public schools. Subsequently an application was made for rehearing and the motion has now been denied. *State ex rel. Freeman v. Scheve* (1903), — Neb. —, 93 N. W. Rep. 169. In all material respects, the court has reaffirmed its former conclusion that the exercises as conducted were religious in their character and violated the relator's right; but the court has also taken pains to declare that its decision is not to be interpreted as excluding the reading of the Bible or portions of it for any purpose, in the public schools.

Upon the first point, the court said: "It is said that the relator's children were subjected to no compulsion, but that is not true. It was not only their right to attend the school, but, under the statute (section 1, subd. 16, c. 79, Comp. St. 1901), it was their duty to attend that school, or some other. As the morning exercises were conducted during school hours, it is difficult to see how they could attend the school without attending worship. But in our view they were not only compelled to attend worship, but to participate in it. The school being in session, the right to command was vested in the teacher, and the duty of obedience imposed upon the pupils. Under such circumstances a request and a command have the same meaning. A request from one in authority is understood to be a mere euphemism. It is in fact a command in an inoffensive form. The teacher, in describing her manner of conducting the exercises, says that after reading from the Bible she 'called